

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

**FILED**

MAR 22 2018

Clerk, U S District Court  
District Of Montana  
Billings

JORDON COOLEY,

Plaintiff,

vs.

MOYRA ANTHONY, DOUG  
FRIDEL, JESSICA MOORHEAD,  
JEN WEBER, MICHAEL  
ANDERSON, PETER DELMOE, and  
DAMON GANNETT,

Defendants.

CV 17-165-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATION

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendation filed on June 13, 2017. (Doc. 5). Judge Cavan recommends that this Court dismiss this matter in part and stay the matter in part.

Pursuant to 28 U.S.C. § 636(b)(1), the parties were required to file written objections within 14 days of the filing of Judge Cavan's Findings and Recommendation. No objections were filed. When neither party objects, this Court reviews Judge Cavan's Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that Judge Cavan committed clear error.


IT IS ORDERED that the proposed Findings and Recommendation for disposition of this matter entered by United States Magistrate Judge Cavan (Doc. 5) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that this matter is DISMISSED to the extent Cooley seeks injunctive relief, and otherwise STAYED until the state court proceedings are completed and final.

IT IS FURTHER ORDERED that Defendants Michael Anderson, Peter Delmoe, and Damon Gannett are DISMISSED from this matter.

The Clerk of Court is directed to close this matter.

DATED this 21<sup>st</sup> day of March 2018.

  
SUSAN P. WATTERS  
United States District Judge